

STATE OF CALIFORNIA  
DEPARTMENT OF INDUSTRIAL RELATIONS  
DIVISION OF WORKERS' COMPENSATION

PUBLIC HEARING

Monday, July 14, 2014  
Elihu Harris State Office Building Auditorium  
1515 Clay Street  
Oakland, California

George Parisotto  
Moderator  
Acting Chief Counsel

Destie Overpeck  
Acting Administrative Director

Lindsey Urbina  
Industrial Relations Counsel

Maureen Gray  
Regulations Coordinator

Reported by: Richard H. Parker

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Workers' Compensation Information System Regulations

Meleah Hall

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1 (Time Noted: 10:04 a.m.)

2 MR. PARISOTTO: Good morning and Happy Bastille Day.  
3 Thank you for coming. My name is George Parisotto. I'm  
4 currently the Acting Chief Counsel for the Division of Workers'  
5 Compensation.

6 And this is our public hearing for the Workers'  
7 Compensation Information System Regulations, better known as  
8 WCIS. Copies of the proposed regulations are on our front  
9 table here if you would like to get a copy of them.

10 Please make sure you sign in on our sign-in sheet.  
11 And if anybody wants to testify today, they will certainly have  
12 an opportunity to do so.

13 I'd like to introduce our other DWC staff members that  
14 are here. On my right, your left, is Maureen Gray, our  
15 Regulations Coordinator. We have Destie Overpeck, the Acting  
16 Administrative Director of DWC, and Lindsey Urbina, an  
17 Industrial Relations Counsel of DWC.

18 When you do come up and testify, if can please give  
19 your card to Maureen.

20 Our court reporter is Richard Parker. He'll be taking  
21 down all of your testimony. So when you do come up to the  
22 podium which is right here, you know, please identify yourself  
23 and spell your name to make it easier on him.

24 All of your testimony will be taken down by the court  
25 reporter. If you have any written testimony you want to hand

1 in right now, please give it to Maureen.

2 Rather than me going down the list and calling  
3 everybody's name, I'll just essentially open up the microphone.  
4 So it's an open mic session as we would in our local karaoke  
5 bar. And I'll -- I'll also see if anybody else might have any  
6 comments.

7 This hearing will continue as long as there are people  
8 present who wish to comment on the regulations, but will close  
9 at 5:00 o'clock today. I'm sure we'll get out of here a little  
10 earlier.

11 If the hearing continues into the lunch hour, we'll  
12 take at least an hour break.

13 Again, written comments can be given to Maureen and  
14 they will be accepted by the Division by either fax, e-mail or  
15 hand delivery up until 5:00 o'clock today at the Division's  
16 offices which are on the 17th floor.

17 The purpose of our hearing is to receive comments on  
18 the proposed amendments to our regulations and we welcome any  
19 comments you may have about them. All your comments, both  
20 given here today and those in writing, will be considered by  
21 the Acting Administrative Director in determining whether -- in  
22 determining the revisions that we will make to the regulations.

23 I would ask that you please restrict the comments that  
24 you make to the subject at hand, our regulations, and any  
25 suggestions you have for changing the proposed regulations.

1           Sometimes we put a three-minute limit to your  
2       comments, but I think I will waive that today or at least,  
3       you know, right now.

4           We'll not enter into any discussions or give responses  
5       to your comments, although we may ask for clarification or ask  
6       you to elaborate further on any points that you are making.

7           A reminder: Please sign in. If you wish to speak,  
8       sometimes we do have a sheet that has a box indicating whether  
9       you want to testify or not. I don't think we have that today.  
10      So again, I'll just open the microphone for anybody who wishes  
11      to comment.

12          And when you do come up, again, please give your  
13      business card to Maureen. Please speak into the microphone.  
14      And before starting your testimony, please identify yourself  
15      for the record.

16          So at this point I would like to ask that if anybody  
17      has any comments they would wish to make, to please come up to  
18      the podium and we will certainly listen.

19                               MELEAH HALL

20          Good morning. My name is Meleah Hall and I am a  
21      teacher. I'm a special education teacher. And I am here  
22      because I'm concerned about the way in which research is  
23      conducted about our profession.

24          Presently we are ranked at light duty, but teachers  
25      like myself who work with individuals with autism, individuals

1 who have a diagnosis of emotional disturbance or in  
2 continuation schools, we are exposed to high levels of violence  
3 and I don't think that light duty is appropriate.

4 So I'm here to ask if the Board or the Commission  
5 would consider researching particular aspects because I know  
6 that the Board is -- the reason that you exist is to research  
7 how workers' compensation benefits are paid out and how the  
8 system -- and how you can best provide efficacy and that the  
9 system is efficient.

10 So some of my concerns are -- let's see -- first of  
11 all, I would like more research conducted about concussions and  
12 how many employees receive concussions. I would like research  
13 conducted about how long it takes to pay out or to settle these  
14 cases. And also I would like to know how many cause -- are  
15 caused by chemical exposure, not concussions, but actually  
16 brain injury caused by chemical exposure. I would like to know  
17 how many -- let's see -- how many cases actually result in an  
18 individual suffering amnesia and how does that impact the  
19 benefits that are paid out.

20 What -- I have also read some research that the  
21 injuries within the school district is actually very high. As  
22 I'm sure you're aware, many times the school district is the  
23 largest employer in many cities across the state and we have  
24 high levels of injury.

25 So I would like to know what's the percentage of

1 injuries for teachers, in particular -- I think our code is 214  
2 based on the workers' compensation. I don't know what those  
3 codes stand for necessarily, but it's 214. And there is five  
4 different -- it's about five different categories under 214.

5 So there's elementary school teacher. There's  
6 learning disabled teacher. And if you look at the workload and  
7 the exposure to violence of a learning disabled teacher versus  
8 the elementary school teacher, it's completely different.

9 So I think that needs to be re-evaluated because once  
10 again -- and not only teachers, but the paraprofessionals.  
11 Paraprofessionals are lifting adults and individuals who weigh  
12 over -- sometimes over 200 pounds daily and, once again, their  
13 category is light duty -- or I don't know what that chart is.  
14 I think you know what I'm talking about though, right; light,  
15 moderate, heavy. Okay. I think that needs to be re-evaluated.

16 Let's see. I also would like -- there to be research  
17 about racial inequalities. Across the nation there is research  
18 that shows that the way that individuals who are of an ethnic  
19 background are compensated for workers' comp injuries is not  
20 equitable to those who are not of ethnic background. So I  
21 would like that to be researched within the state.

22 And lastly, there has been a lot of talk and a lot of  
23 research talking about suicide rates within the workers'  
24 compensation system, yet there's not any data to support this.  
25 So I think that there needs to be a task force to figure out

1     how that can be tracked. One suggestion that I have is that  
2     you would -- that the coroner's office would be mandated to  
3     report to the system whether it's a suicide so that you can  
4     actually track and follow how many suicides have been committed  
5     by those who are in the workers' compensation system.

6             I think this is very pertinent. I think that it plays  
7     into how long injured workers have to wait with -- with  
8     injuries that are accepted claims and how much power the  
9     insurance companies have to deny claims to injured workers and  
10    this greatly impacts their livelihood.

11            So those are my suggestions. And hopefully -- and I  
12    will be speaking before the OSHA Standards Board on Thursday  
13    suggesting a petition to add standards because presently,  
14    although we know there's violence in school settings across  
15    this nation, OSHA does not have any standards presently to  
16    prevent violence or to help with reducing violence tendency  
17    towards educators and to those who work in those environments.  
18    So I will be presenting there as well. So hopefully the  
19    commissions and the boards can work together to help make it  
20    safer for us. Thank you.

21            MR. PARISOTTO: Thank you. I'd also suggest that you  
22    raise your concerns with the Commission on Health and Safety in  
23    Workers' Compensation.

24            MS. HALL: Okay.

25            MR. PARISOTTO: That commission, they take suggestions

1 from the public in terms of research projects and they might be  
2 able to more address your concerns.

3 MS. HALL: Okay. Thank you so much.

4 MR. PARISOTTO: Would anyone else like to offer testimony  
5 on the WCIS regulations?

6 What I think I'd like to do now is take a ten-minute  
7 break. We'll go off the record for ten minutes and see if  
8 anybody else would -- will show up and offer testimony. So I  
9 guess we can go off the record right now.

10 (Recess taken from 10:14 a.m. to 10:22 a.m.)

11 MR. PARISOTTO: We'll go back on the record.

12 And again, this is the public hearing on the WCIS  
13 proposed regulations. And I'd like to ask now if there's  
14 anyone else who would like to offer testimony regarding our  
15 regulations.

16 All right then. If no one is going to testify, this  
17 hearing will be closed.

18 The opportunity to file written comments with the  
19 Division will stay open till 5:00 o'clock this afternoon. So  
20 feel free to fax, e-mail or hand deliver your comments up to  
21 our office which is on the 17th floor of this building.

22 Thank you for your attendance and any input you have  
23 given us and I hope will give us. The hearing is now closed.

24 (The proceedings adjourned at 10:23 a.m.)

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R E P O R T E R ' S C E R T I F I C A T E

I, Richard H. Parker, Official Hearing Reporter for the State of California, Department of Industrial Relations, Division of Workers' Compensation, do hereby certify that the foregoing matter is a full, true and correct transcript of the proceedings taken by me in shorthand, and with the aid of audio backup recording, on the date and in the matter described on the first page thereof.

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RICHARD H. PARKER,  
Official Hearing Reporter  
of the State of California,  
Workers' Compensation Appeals Board

Dated: July 15, 2014  
Fresno, California  
/s/